

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NADIA BIGLARI,)	Case No. 4:22-cv-3268
)	
Plaintiff,)	
)	
v.)	DEFENDANT CHRISTOPHER
)	MCCUNE’S MOTION TO DISMISS
UNIVERSITY OF NEBRASKA)	PLAINTIFF’S INDIVIDUAL
LINCOLN, by and through its Board of)	CAPACITY CLAIMS
Regents; ERIC DODDS, in his official)	
and individual capacity;)	
CHRISTOPHER MCCUNE, in his)	
official and individual capacity,)	
)	
Defendants.)	

COMES NOW Defendant Christopher McCune, in his individual capacity, and, pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(1), moves the Court for an Order dismissing Plaintiff’s Amended Complaint against him in its entirety because the Amended Complaint fails to state a claim upon which relief can be granted against McCune and attempts to allege claims from which he enjoys a qualified immunity. In addition, Defendant moves that the Court should decline to exercise supplemental jurisdiction over the remaining state-law claims under 28 U.S.C. § 1367(c). In support of its Motion, and pursuant to NECivR 7.1(a)(1)(A), Defendant is filing a supporting brief contemporaneously with this Motion.

WHEREFORE, Defendant respectfully requests that the Court dismiss the claims against him, in his individual capacity, in Plaintiff’s amended complaint.

DATED this 3rd day of May, 2023.

CHRISTOPHER MCCUNE, in his
individual capacity, Defendant,

By: s/ Jason W. Grams
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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Jason W. Grams
Jason W. Grams